

## **Confidentiality**

Confidentiality stands as a core feature of all our faculty personnel processes. It grounds the ability of the faculty to make collective, deliberative decisions about hiring, reappointment, tenure, and promotion. Violations of confidentiality not only undermine the decision making involved in faculty governance, but also can poison the atmosphere in a department or other unit.

Faculty members should *never* discuss confidential personnel meetings with anyone who was not present at the meeting. It is particularly important that faculty members not talk about such discussions with perspective colleagues or with colleagues under review. Even a decision to tell someone a piece of good news (i.e., “I voted for you!”) is inappropriate as it can, particularly in smaller units, expose the vote of another member of the unit.

Although the personnel process is confidential, faculty still have a duty to report discriminatory language or actions to the appropriate office when personnel decisions are based on race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy or are otherwise retaliatory in nature.

The need for confidentiality and the duty to report discriminatory language or actions should be reiterated at the beginning of every personnel discussion, from hiring to promotion to full professor. Faculty members who violate confidentiality may be found to have violated the standards for appropriate professional conduct.

## **Reappointment and Comprehensive Review**

All non-tenured tenure-track faculty members are required by the Board of Regents to undergo Comprehensive Review so as to receive advice from their colleagues about their progress and about how they might improve moving forward towards tenure and promotion. In most cases, where a colleague receives an initial four-year appointment, comprehensive review is connected with reappointment for another three years—thus the phrase comprehensive review for reappointment. In some cases, colleagues will join with three years of prior professional experience counted towards the tenure clock and thus will not need to be reappointed, but will instead have one four-year appointment prior to the awarding of tenure. They still must undergo comprehensive review for advice. This review is informally called a “Feedback Only Comprehensive Review” or a “Non-Reappointment Comprehensive Review.” It must be conducted, and the faculty must vote on the action; the vote taken by the faculty is simply to assert that the comprehensive review has been completed and appropriate advice has been provided.

Under current campus policy, faculty members may stand for tenure at any time after the completion of comprehensive review, including immediately after; that is, comprehensive review and tenure and promotion may occur within the same year or the review for tenure and promotion may occur in any subsequent year up to and including the mandatory review year (<https://facultyaffairs.colorado.edu/faculty/reappointment-promotion-and-tenure/related-policy->

[information/criteria-for-early-p-and-t](#) ). Departments and review committees must vote on both comprehensive review/reappointment and tenure and promotion if they coincide. All the votes must be recorded and forwarded.

## **Proper Recording of Votes on Tenure**

To understand the proper recording of votes, we must recall the University's standards for tenure. In order to receive tenure at the University of Colorado, faculty members must demonstrate meritorious performance in each of the three areas of teaching, research or creative work, and service, and demonstrate excellence in either teaching, or research or creative work (Regent Law 5.B.4(B): <https://www.cu.edu/regents/laws-and-policies/regent-laws/article-5-faculty>, and System APS 1022: <https://www.cu.edu/ope/policy/aps-1022-standards-processes-and-procedures-comprehensive-review-tenure-and-promotion> ). For example, if a faculty member were to achieve excellence in research, they would also need to be found meritorious in teaching and service; and if a faculty member were to achieve excellence in teaching, they would also need to be found meritorious in research and service. If a candidate were to be found meritorious in all three areas, or excellent in teaching or research or creative work and less than meritorious in any of the other areas, they would not meet the standard for tenure.

*Units in almost all cases require confidential ballots be cast on personnel matters. Appropriate precautions must be used to insure the confidentiality of votes. While the final vote tally is information available to the candidate, the department, and other levels of review, individual votes should not be revealed. Paper ballots must not reveal the name of participating voters. Online systems that protect confidentiality such as Qualtrics may be used. **Email should never be used to cast ballots or to conduct personnel deliberative conversations.** Email is appropriate for setting meetings, providing lists of finalists for a job, and other similar logistical matters. It is understood that personnel material may need to be posted on password-protected, read-only servers, but everyone should understand the security limitations of such sites; OIT is a good resource for thinking about the technical issues around security. The goal is always to protect the confidentiality of personnel matters.*

Prior to any vote on tenure, the voting faculty in the unit should be informed of the standard necessary for the awarding of tenure (see above) at the University of Colorado, so as to avoid the casting of invalid ballots in the voting process.

## **Invalid Ballots**

An invalid ballot will result from any of the following scenarios, including but not limited to:

- casting an overall vote but abstaining from the vote in one or more of the three areas of teaching, research or creative work, and service;
- voting in one or more of the three areas and abstaining from the overall vote;
- voting less than meritorious in any of the three areas and voting yes overall;
- voting meritorious in all three areas and voting yes overall;

- voting excellent in research or teaching and meritorious in the other areas, and then voting no overall.

For an example of an improperly recorded vote, please see the vote recorded below:

In this case, 28 votes are cast. The vote is recorded as **23 YES, 3 NO, 2 ABSTAIN**, with votes in the three areas as follows:

	<b>Excellent</b>	<b>Meritorious</b>	<b>Less than Meritorious</b>	<b>Abstention</b>
<b>Teaching</b>	2	22	2	2
<b>Research/Creative Work</b>	26	0	0	2
<b>Service</b>	0	21	6	1

Since there are 6 less than meritorious votes in service, there should also be at least 6 no votes instead of 3, as, according to the standard for tenure, faculty must achieve at least meritorious in all three areas, while being found excellent in either teaching or research. Thus, in the above case, there would be 3 invalid ballots, as six votes in service did not meet the required threshold, with only 3 of them being properly recorded as no votes. Instead of a total of 28 votes cast in the above case, there would only be 25, with 3 votes being recorded as invalid.

The number of invalid votes should be recorded as **INVALID**, in addition to the **YES, NO, and ABSTAIN** votes. If invalid votes are not recorded as such, the Office of Faculty Affairs will record them as no votes.

### **Tie Votes**

A majority vote is needed for a recommendation for reappointment, tenure, or promotion. A tie vote is considered a negative recommendation to the next level of review; it also triggers a return to the prior level for reconsideration and revote if that level had provided a positive recommendation. Once the prior level has reconsidered the case and voted a second time, the case will return to the next review level for its reconsideration and a second vote.

### **Recommendation/Vote Disagreement Between Levels of Review**

Any time there is a disagreement in the recommendation for reappointment, tenure, or promotion between any two levels of review, the case must return to the prior level of review for reconsideration and revote. For example, the primary unit recommends reappointment, tenure or promotion, and the next level, the dean’s review committee, does not. In this scenario, the case would return to the primary unit for reconsideration and revote. After reconsideration and revote at the primary unit level have taken place, the case would return to the dean’s review committee for reconsideration and revote. If, upon reconsideration and revote the outcome is still the same, the case will move on to the next level of review; in instances of disagreement between levels of

review, the case will only return to the prior level of review one time. Letters need to be written at both review levels detailing the reconsideration and revote. The dean may also need to provide a second recommendation, if he/she has additional recommendations after the second round of voting has taken place.

### **Student Letters**

The students' voice in personnel decisions are important. ALL student letters received by a department reviewing a faculty member for reappointment, tenure, or promotion must be included in the dossier for the candidate. (If a truly offensive letter appears, the department should consult with its dean's office and with the Office of Faculty Affairs on how to proceed). The removal of a student letter from a dossier may be found to be a violation of the standards for appropriate professional conduct.

Student letters should be placed in the file in appropriate categories:

- student letters/emails solicited by or submitted to the unit by the candidate;
- unsigned letters/emails gathered by the unit from students;
- signed letters/emails solicited by the unit or submitted to the unit by a student.

Candidates may not see the letters in the third category.

Student letters are not required as long as a department uses other appropriate multiple measures of teaching (<https://facultyaffairs.colorado.edu/faculty/reappointment-promotion-and-tenure/related-policy-information/multiple-measures-of-teaching>). Student letters may not, in fact, be the most representative way of gathering student responses, and thus many units now use guided student interviews.

### **External Letters**

In normal tenure and promotion cases, six external letters are required. These letters should be solicited following the procedures set forth in the unit's bylaws or other personnel policies. In general, the candidate will provide a list of potential reviewers and the proper individual or group within the unit will provide another list; ideally, three would come from each list. ALL letters received must be included in the file, regardless of their recommendation. After the initial set of six letters is received, additional letters should be requested only after consultation with the dean's office and the Office of Faculty Affairs. In non-mandatory cases (early tenure, promotion to full professor), a set of letters might lead the department to recommend that the candidate delay her/his review until another year; if the candidate agrees to withdraw, as the file is not moving forward, the letters are discarded and a new set requested when the review next occurs.

External letters are confidential and are not shared with the candidate. The names of reviewers are also confidential and should not be revealed in any evaluation documents that can be read by the candidate.

FOR HIRES WITH TENURE: Please include the external letters that the primary unit considered in reaching their conclusion that the candidate deserves an appointment with tenure at our institution. A minimum of three letters is required. The letters may be the recommendation letters submitted with the application for the position. *For cases where the candidate does not hold tenure at their current institution, and/or appointment includes promotion to a higher rank,* six external letters should be collected as a full review for tenure and promotion must be conducted.